S.B.Civil Second Appeal No.139/2007.

Ganpat Lal.

vs.

State of Rajasthan & Ors.

Date : 4.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.SK Mathur, for the appellant.

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Heard learned counsel for the appellant.

The plaintiff/appellant filed suit for recovery of Rs.21,631/- on the ground that the plaintiff's fifth bill was wrongly withheld by the respondent despite the fact that the plaintiff's earlier four bills were cleared and payment has been made to the plaintiff. For the fifth bill, the respondents have adopted a different view.

Two courts below carefully considered this aspect of the matter and thereafter held that even if the plaintiff has been paid excess amount wrongly on earlier occasions, then also, the plaintiff cannot claim the amount for fifth bill on the basis of wrong calculation.

In view of the above, I do not find any substantial question of law involved in this appeal. Consequently, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya